

CIVIL COVER SHEET

JS44

(Rev. 12/07)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

DEFENDANTS

SONNY CARTER AND ERICA LEE AHALT,
INDIVIDUALLY AND AS PARENTS AND
NATURAL GUARDIANS OF JOEL WILLARD
CARTER, A MINOR

LOWE'S, LOWE'S HOME CENTERS, LLC, LOWE'S
HOME CENTERS, INC., LOWE'S HOME
IMPROVEMENT, LLC, AND LOWE'S COMPANIES,
INC.

(b) COUNTY OF RESIDENCES OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

MD

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT **NC**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Shannon B. Stewart, Esquire
THE LAW OFFICE OF GREGORY A. SMITH, LLC
1515 Market St., Suite 1360
Philadelphia, PA 19102
215.546.1690

ATTORNEYS (IF KNOWN)

JENNIFER M. HERRMANN, ESQUIRE
MINTZER, SAROWITZ, ZERIS, LEDVA &
MEYERS, LLP
Centre Square, West Tower
1500 Market Street, Suite 4100
Philadelphia, PA 19102
(215) 735-7200

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

(For Diversity Cases Only)

☐ 1 U.S. Government
Plaintiff

☐ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government

☒ 4 Diversity
(Indicate Citizenship of

Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX)

Citizen of This State ☐ 1
of Business in This State ☐ 1
Citizen of Another State ☒ 2
of Business in Another State ☐ 2
Citizen or Subject of a
Foreign Country ☐ 3 ☐ 3

Incorporated or Principal Place ☐ 4
Incorporated and Principal Place ☐ 5
Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (PLACE AN x IN ONE BOX ONLY)

CONTRACT

- ☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment
& Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted
Student Loans
(Excl. Veterans)
☐ 153 Recovery of Overpayment
of Veterans Benefits
☐ 160 Stockholders Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

REAL PROPERTY

- ☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 280 All Other Real Property

TORTS

PERSONAL INJURY

- ☐ 310 Airplane
☐ 315 Airplane Product
☐ 320 Assault, Libel &
Slander
☐ 330 Federal Employers
Liability
☐ 340 Marine
☐ 345 Marine Product
Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle
Product Liability
☒ 360 Other Personal
Injury

CIVIL RIGHTS

- ☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/
Accommodation
☐ 444 Welfare
☐ 440 Other Civil
Rights

PERSONAL INJURY

- ☐ 362 Personal Injury -
Med Malpractice
☐ 365 Personal Injury --
Product Liability
☐ 368 Asbestos Personal
Injury Product
Liability
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal
Property Damage
☐ 385 Property Damage
Product Liability

PRISONER PETITIONS

- ☐ 510 Motion to Vacate
Sentence
Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
Civil Rights ☐ 555 Prison Conditions

FORFEITURE/PENALTY

- ☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of
property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R R & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety/Health
☐ 690 Other
☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting &
& Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

LABOR

- ☐ 462 Neutralization Application
☐ 463 Habeas Corpus - Alien Detainee
☐ 465 Other Immigration Actions

BANKRUPTCY

- ☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal
28 USC 157

PROPERTY RIGHTS

- ☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark
☐ 861 hia (1395FF)
☐ 862 Black Lung (923)
☐ 863 dlwc/dlww (405(g))
☐ 864 SSID Title XVI
☐ 864 RSI (405(g))

SOCIAL SECURITY

FEDERAL TAX SUITS

- ☐ 870 Taxes (U.S. Plaintiff
or Defendant)
☐ 871 IRS-- Third Party
26 USC 7609

OTHER STATUTES

- ☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and
Corrupt Organizations
☐ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective SService
☐ 850 Securities/Commodities/
Exchange
☐ 875 Customer Challenge
12 USC 3410zation Act
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination
Under Equal Access to Justice
☐ 950 Constitutionality of State
Statutes

V. ORIGIN

(PLACE AN x IN ONE BOX ONLY)

- ☐ 1 Original
Proceeding ☒ 2 Removed from
State Court ☐ 3 Remanded from
Appellate Court ☐ 4 Reinstated or
Reopened

Transferred from
☐ 5 another district
(specify)

☐ 6 Multidistrict
Litigation

Appeal to District
☐ 7 Judge from
Magistrate Judgment

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: Premises Liability
28 U.S.C. §1332(A)(1) & 28 U.S.C. §1441(A)

VII. REQUESTED IN
COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND
In Excess of \$50,000

Check YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S)

(See Instructions):

IF ANY

Judge

Docket Number

DATE: August 15, 2014

SIGNATURE OF ATTORNEY OF RECORD

s/ Jennifer M. Herrmann

JENNIFER M. HERRMANN, ESQUIRE

FOR OFFICE USE ONLY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

SONNY CARTER AND ERICA LEE AHALT, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF JOEL WILLARD CARTER, A MINOR <p style="text-align: center;">vs.</p> LOWE'S, LOWE'S HOME CENTERS, LLC, LOWE'S HOME CENTERS, INC., LOWE'S HOME IMPROVEMENT, LLC, AND LOWE'S COMPANIES, INC.	CIVIL ACTION NO.
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In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. 2241 through 2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

DATE: August 15, 2014

s/ Jennifer M. Herrmann

JENNIFER M. HERRMANN, ESQUIRE

Attorney-at-Law

Attorney ID # 315453

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA - DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 12 Douglas Court, Smithsburg, MD 21783

Address of Defendant: North Carolina

Place of Accident, Incident or Transaction: 12925 Washington Township Blvd., Waynesboro, PA

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE IF ANY

Case Number: _____

Judge _____

Date Terminated: _____

Civil Cases are deemed related when yes is answered to any of the following questions:

- | | |
|--|---|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights Case filed by the same individual? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |

CIVIL: (Place 9 in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. 9 Indemnity Contract, Marine Contract, and All
2. 9 FELA
3. 9 Jones Act-Personal Injury
4. 9 Antitrust
5. 9 Patent
6. 9 Labor-Management Relations
7. 9 Civil Rights
8. 9 Habeas Corpus
9. 9 Securities Act(s) Cases
10. 9 Social Security Review Cases
11. 9 All Other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. 9 Insurance Contract and Other Contracts
2. 9 Airplane Personal Injury
3. 9 Assault, Defamation
4. 9 Marine Personal Injury
5. 9 Motor Vehicle Personal Injury
6. X Other Personal Injury (Please specify) ~ Fall
7. 9 Products Liability
8. 9 Products Liability - Asbestos
9. 9 All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I,

, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: August 15, 2014

s/JENNIFER M. HERRMANN
Attorney-at-Law

315453
Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SONNY CARTER AND ERICA LEE AHALT, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF JOEL WILLARD CARTER, A MINOR vs. LOWE'S, LOWE'S HOME CENTERS, LLC, LOWE'S HOME CENTERS, INC., LOWE'S HOME IMPROVEMENT, LLC, AND LOWE'S COMPANIES, INC.	CIVIL ACTION NO.
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PETITION FOR REMOVAL

TO: THE HONORABLE JUDGES OF THE DISTRICT COURT FOR
EASTERN DISTRICT OF PENNSYLVANIA

As removing party, LOWE'S HOME CENTERS, LLC (I/D/A LOWE'S, LOWE'S HOME CENTERS, INC., LOWE'S HOME IMPROVEMENT, LLC, AND LOWE'S COMPANIES, INC.), files this Notice of Removal of the above-captioned matter from the Court of Common Pleas, Philadelphia County, the Court in which it is now pending to the United States District Court for the Eastern District of Pennsylvania. In support thereof, Defendant avers as follows:

1. This action was commenced by way of Complaint filed in the Court of Common Pleas, Philadelphia County on or about June 19, 2014, and docketed as No. 140602816. (A true and correct copy of Plaintiffs' Complaint is attached hereto and marked as Exhibit "A").
2. This notice is timely, having been filed within thirty (30) days of Plaintiffs serving the Complaint on Defendant, which service was made on or about July 30, 2014.

3. At the time this action was commenced and continuing to the present, Defendant, LOWE'S HOME CENTERS, LLC (I/D/A LOWE'S, LOWE'S HOME CENTERS, INC., LOWE'S HOME IMPROVEMENT, LLC, AND LOWE'S COMPANIES, INC.), is a limited liability company whose only member is Lowe's Companies, Inc., which is a corporation organized under the laws of the State of North Carolina and having its principal place of business in North Carolina.

4. Based upon the allegations in the Complaint, at the time this action was commenced and continuing to the present, Plaintiffs, SONNY CARTER AND ERICA LEE AHALT, INDIVIDUALLY AND AS PARENTS AND NATURAL GUARDIANS OF JOEL WILLARD CARTER, A MINOR, are citizens of the State of Maryland.

5. Moving Defendant believes and therefore avers that the amount in controversy, based upon the allegations in the Complaint and a letter from Plaintiffs' attorney dated June 18, 2014, will exceed the jurisdictional amounts required for jurisdiction to exist in District Court, exclusive of interest and costs.

8. This action is removable from State Court to this Court based upon diversity of citizenship pursuant to 28 U.S.C. §1332(a)(1) and 28 U.S.C. §1441(a).

9. This Court has full and exclusive jurisdiction over this case which involves the aforementioned federal acts.

WHEREFORE, moving Defendant, LOWE'S HOME CENTERS, LLC (I/D/A LOWE'S, LOWE'S HOME CENTERS, INC., LOWE'S HOME IMPROVEMENT, LLC, AND LOWE'S COMPANIES, INC.), respectfully requests that the above-captioned

action be removed from the Court of Common Pleas, Philadelphia County to the District Court for the Eastern District of Pennsylvania.

**MINTZER, SAROWITZ, ZERIS, LEDVA
& MEYERS, LLP**

BY: s/ Jennifer M. Herrmann

JENNIFER M. HERRMANN, ESQUIRE

Attorney for Defendant(s), LOWE'S HOME CENTERS,
LLC (I/D/A LOWE'S, LOWE'S HOME CENTERS, INC.,
LOWE'S HOME IMPROVEMENT, LLC, AND LOWE'S
COMPANIES, INC.)

Centre Square, West Tower

1500 Market Street

Suite 4100

Philadelphia, PA 19102

(215) 735-7200

MSZL&M File No. 003830.000031

CERTIFICATE OF SERVICE

I, JENNIFER M. HERRMANN, ESQUIRE, do hereby certify that a true and correct copy of the within Petition for Removal was forwarded by U.S. Mail, postage pre-paid on the 15th day of August, 2014 as follows:

Shannon B. Stewart, Esquire
THE LAW OFFICE OF GREGORY A. SMITH, LLC
1515 Market St., Suite 1360
Philadelphia, PA 19102

s/ Jennifer M. Herrmann
JENNIFER M. HERRMANN, ESQUIRE

EXHIBIT “A”

**THE LAW OFFICE OF
GREGORY A. SMITH, LLC**

Gregory A. Smith, Esquire
Attorney ID# 84189
Shannon B. Stewart, Esquire
Attorney ID# 92116
1515 Market St., Suite 1360
Philadelphia, PA 19102
(215) 546-1690

Attorneys for Plaintiff

SONNY CARTER and ERICA LEE AHALT,
Individually and as Parents and Natural
Guardians of JOEL WILLARD CARTER, a
Minor
12 Douglas Court
Smithsburg, MD 21783

Plaintiff

vs.

LOWE'S
12925 Washington Township Blvd.
Waynesboro, PA 17268

And

LOWE'S HOME CENTERS, LLC
1605 Curtis Bridge Rd.
Wilkesboro, NC 28697-2231

And

LOWE'S HOME CENTERS, INC.
1605 Curtis Bridge Rd.
Wilkesboro, NC 28697-2231

And

LOWE'S HOME IMPROVEMENT, LLC
1000 Lowe's Blvd.
Mooresville, NC 28117-8520

And

IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

TERM, 2014

NO.

JURY TRIAL DEMANDED

Case ID: 140602816

Case ID: 140602816

LOWE'S COMPANIES, INC. 1000 Lowe's Blvd. Mooresville, NC 28117-8520	
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Defendants

CIVIL ACTION COMPLAINT

1. Plaintiff Erica Lee Ahalt is an adult individual and citizen of the State of Maryland residing at 12 Douglas Court, Smithsburg, Maryland 21783.
2. Plaintiff Sonny Carter is an adult individual and citizen of the State of Maryland residing at 12 Douglas Court, Smithsburg, Maryland 21783.
3. Plaintiffs Erica Lee Ahalt and Sonny Carter are the parents and natural guardians of Joel Willard Carter, a minor with a date of birth of January 26, 2009.
4. Defendant Lowe's is a corporation or other entity existing under and by virtue of the laws of the State of North Carolina with a retail establishment located at 12925 Washington Township Boulevard, Waynesboro, Pennsylvania 17268.
5. Defendant Lowe's Home Centers, LLC, is a corporation or other entity existing under and by virtue of the laws of the State of North Carolina with a registered corporate address of 1605 Curtis Bridge Road, Wilkesboro, North Carolina 28697-2231.
6. Defendant Lowe's Home Centers, Inc., is a corporation or other entity existing under and by virtue of the laws of the State of North Carolina with a registered corporate address of 1605 Curtis Bridge Road, Wilkesboro, North Carolina 28697-2231.
7. Defendant Lowe's Home Improvement, LLC, is a corporation or other entity existing under and by virtue of the laws of the State of North Carolina with a registered corporate address of 1000 Lowes Boulevard, Mooresville, North Carolina 28117-8520.

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8. Defendant Lowe's Companies, Inc., is a corporation or other entity existing under and by virtue of the laws of the State of North Carolina with a registered corporate address of 1000 Lowe's Boulevard, Mooresville, North Carolina 28117-8520.

9. At all times material hereto, Defendants regularly conducted business in Philadelphia County and the City of Philadelphia.

10. At all times material hereto, Defendants acted and/or failed to act by and through their duly authorized agents, servants, workmen, contractors, owners, officers and/or employees including, but not limited to, the staff at the Lowe's located at 12925 Washington Township Boulevard, Waynesboro, Pennsylvania 17268.

11. On or about July 6, 2012 and at all times material hereto, Plaintiff Sonny Carter and his minor son, Joel Carter, were business invitees at the Lowe's located at 12925 Washington Township Boulevard, Waynesboro, Pennsylvania 17268.

12. On or about July 6, 2012, Defendants displayed their lawn tractors, fencing products, and outdoor furniture in the outdoor area at the front of the store located at 12925 Washington Township Boulevard, Waynesboro, Pennsylvania 17268.

13. On or about July 6, 2012, Defendants had the lawn tractors connected to one another with heavy metal cables.

14. On or about July 6, 2012, Defendants had the pieces of outdoor furniture connected to one another with heavy metal cables.

15. On or about July 6, 2012, Defendants did not have signs and/or warnings posted to advise their business invitees that the heavy metal cables posed a hazard.

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16. Alternatively, if Defendants had signs and/or warnings posted on or about July 6, 2012, to advise their business invitees of the hazard posed by the heavy metal cables, those signs and/or warnings were mixed among the products for sale, advertisements, and price tags that they were concealed from view.

17. On or about July 6, 2012, minor Joel Carter tripped over the heavy metal cable connecting the lawn tractors while walking behind them.

18. As a result of the fall, Joel Carter sustained a supracondylar fracture of the left distal humerus with marked posterior displacement, in addition to bruising, nausea, and vomiting.

19. Plaintiff Sonny Carter transported Joel Carter to the emergency room at Meritus Medical Center in Hagerstown, Maryland, for treatment.

20. The severity of Joel Carter's supracondylar fracture led the treatment providers at Meritus Medical Center to transfer Joel to the Children's National Medical Center in Washington, DC.

21. On July 7, 2012, Joel Carter had to endure surgery in the form of a closed reduction and percutaneous pinning of the supracondylar fracture of his left humerus as a result of his fall at Defendants' store.

22. Joel Carter also had to endure general anesthesia, narcotic pain medication, and extensive physical therapy as a result of his fall at Defendants' store.

23. Joel Carter continues to experience pain in his left arm due to this fall.

24. Joel Carter has not returned to the level of ability he enjoyed before this fall.

25. At all times material hereto, Defendants knew or should have known that they had created a hazardous condition.

26. As a direct and proximate result of the negligence, carelessness, and/or recklessness of Defendants Lowe's; Lowe's Home Centers, LLC; Lowe's Home Centers, Inc.; Lowe's Home Improvement, LLC; and Lowe's Companies, Inc., Joel Carter sustained injuries including, but not limited to, a supracondylar fracture of the left distal humerus with marked posterior displacement; closed reduction and percutaneous pinning of the supracondylar fracture of the left humerus; general anesthesia; narcotic pain medication; extensive physical therapy; scarring; bruising; nausea; vomiting; decreased ability; and continuing pain, all to his great detriment and loss.

COUNT I

**PLAINTIFFS, Individually and as Parents and Natural Guardians of JOEL
CARTER, a Minor V. ALL DEFENDANTS**

27. Plaintiff incorporates by reference paragraphs 1-26 if fully set forth herein.
28. The negligence, carelessness, and/or recklessness of Defendants, included the following:
- a. Permitting a dangerous and hazardous condition to exist;
 - b. Failing to make sure that the heavy metal cable connecting the lawn tractors to one another was secured away from areas where business invitees would walk;
 - c. Failing to provide adequate visual cues;
 - d. Failing to warn business invitees of a fall hazard;
 - e. Failing to post any warning to patrons that the lawn tractors and outdoor furniture were secured with metal cables;
 - f. Failing to ensure that its patrons could identify the cable laying in the area where business invitees would walk;
 - g. Failing to appropriately monitor the premises;

- h. Failing to appropriately train, hire and retain employees whose responsibility it was to make sure the dangerous and hazardous did not exist;
- i. Failing to recognize a known, dangerous condition;
- j. Failing to have on staff sufficient manpower to make the premises safe for its business invitees;
- k. Failing to make and keep the premises safe for business invitees;
- l. Failing to take reasonable steps to protect its business invitees;
- m. Failing to act reasonably under the circumstances;
- n. Failing to block and/or cordon off the area from its customers;
- o. Failing to properly inspect the premises;
- p. Failing to have sufficient manpower to properly inspect the premises;
- q. Failing to have appropriate guidelines pertaining to property inspection;
- r. Failing to comply with internal company guidelines pertaining to property inspection;
- s. Maintaining an attractive nuisance;
- t. Failing to protect its business invitees;
- u. Causing injury to Joel Carter; and
- v. Failing to comply with local, state, national, and professional regulations and guidelines.

29. As a direct and proximate result of the negligence, carelessness, and/or recklessness of Defendants, Joel Carter sustained injuries including, but not limited to, a supracondylar fracture of the left distal humerus with marked posterior displacement; closed reduction and percutaneous pinning of the supracondylar fracture of the left humerus; general anesthesia; narcotic pain

medication; extensive physical therapy; scarring; bruising; nausea; vomiting; decreased ability; and continuing pain, all to his great detriment and loss.

30. As a further direct and proximate result of the negligence, carelessness, and/or recklessness of Defendant, Joel Carter suffered a loss of life's pleasures and an inability to engage in his usual and customary activities, embarrassment, and humiliation, some or all of which may be permanent in nature.

31. As a further direct and proximate result of the negligence, carelessness, and/or recklessness of Defendants, Joel Carter was caused to undergo extensive and painful treatment including complicated surgery, painful manipulation, and physical therapy, and may need to undergo additional surgery in the future, to his great detriment and loss.

32. As a further direct and proximate result of the negligence, carelessness, and/or recklessness of Defendants, Plaintiffs Sonny Carter and Erica Ahalt have in the past and will in the future have to pay various amounts for Joel Carter's medical care, to her great detriment and loss.

33. As a further direct and proximate result of the negligence, carelessness, and/or recklessness of Defendants, Joel Carter has in the past and may in the future be unable to secure gainful employment due to the injuries he suffered, to his great detriment and loss.

WHEREFORE Plaintiffs Sonny Carter and Erica Lee Ahalt, individually and as parents and natural guardians of Joel Carter, a minor, demand judgment in their favor and against Defendants in an amount in excess of Fifty Thousand (\$50,000.00) Dollars together with interest, costs, delay damages and any other amount this Honorable Court deems appropriate.

Respectfully submitted,

THE LAW OFFICE OF
GREGORY A. SMITH, LLC

BY:



Gregory A. Smith, Esquire

Shannon B. Stewart, Esquire

Attorneys for Plaintiffs Sonny Carter and Erica
Lee Ahalt, Individually and as Natural
Guardians of Joel Willard Carter, a Minor

DATE: 4/17/14

Case ID: 140602816

Case ID: 140602816

VERIFICATION

I, Erica Lee Ahalt, hereby verify that I am the Plaintiff in this matter and that the facts set forth in this Complaint are true and correct to my knowledge, information, and belief. I understand that this Verification is subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.


ERICA LEE AHALT

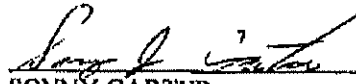
DATE: 6.14.14

Case ID: 140602816

Case ID: 140602816

VERIFICATION

I, Sonny Carter, hereby verify that I am the Plaintiff in this matter and that the facts set forth in this Complaint are true and correct to my knowledge, information, and belief. I understand that this Verification is subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



SONNY CARTER

DATE: 6/13/2014

Case ID: 140602816

Case ID: 140602816